

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIFFANI M. SHAFFER,)	CIVIL DIVISION
)	
Plaintiff,)	No: 19-1481
)	
v.)	US District Judge Christy Criswell Wiegand
)	
CRANBERRY TOWNSHIP,)	ELECTRONICALLY FILED
)	
Defendant.)	JURY TRIAL DEMANDED

**DEFENDANT’S OBJECTIONS TO PRELIMINARY
JURY INSTRUCTIONS [ECF 96] AND VERDICT SLIP [ECF 98]**

OBJECTIONS TO PRELIMINARY JURY INSTRUCTIONS [ECF 96]

The Defendant notes a typographical error on page 12, line 14, which states “he” instead of “she.”

OBJECTIONS TO VERDICT SLIP [ECF 98]

The Defendant objects to the Court’s Verdict Slip as to any finding of compensatory damages and respectfully disagrees with the Court’s ruling that the Defendant’s proposed compensatory damage question is duplicative of the second proposed question regarding the amount of damages. *See* ECF Nos. 69 and 99, page 2. In order to award Plaintiff compensatory damages, Plaintiff must prove that the Township’s discriminatory or retaliatory actions actually played a substantial part in bringing about any of Plaintiff’s alleged injuries. *See* Final Jury Instructions [ECF 97] at page 28, lines 7-16 and page 29, lines 1-2. Without such proof, Plaintiff is not entitled to damages. *Id.*

Accordingly, a separate and clear question on whether Plaintiff has met her required burden of proof to be awarded compensatory damages preserves the record for appeal. Respectfully, Defendant's proposed separate breakdown of questions on compensatory damages submitted to the Court at ECF 69 eliminates the use of a compound question that will not leave an appellate court guessing as to what a jury actually found and eliminates any ambiguity on appeal. The Defendant is willing to consider a nominal damage instruction if the Court believes it would alleviate the concern.

Respectfully submitted,

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**

BY: s/ Teresa O. Sirianni
TERESA O. SIRIANNI, ESQUIRE
PA ID #90472
ESTELLE K. McGRATH, ESQUIRE
PA ID # 87799
Counsel for Defendant, Cranberry Township
Union Trust Building, Suite 700
501 Grant Street
Pittsburgh, PA 15219
(412) 803-1140
(412) 803-1188/fax
TOSirianni@mdwcg.com
EKMGrath@mdwcg.com